



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region08](http://www.epa.gov/region08)

**JUN 15 2015**

8ENF-AT

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Wes McNeil  
Environmental Team Lead  
Suncor Energy (U.S.A.) Inc.  
Commerce City Refinery  
5801 Brighton Boulevard  
Commerce City, Colorado 80022

Re: Section 114(a) Information Request for the Suncor's Commerce City Refinery, Adams County, Colorado

Dear Mr. McNeil:

The United States Environmental Protection Agency (EPA) hereby requires Suncor Energy (U.S.A.) Inc. (Suncor) to provide certain information to determine the Clean Air Act (CAA) compliance status of Suncor's Commerce City Refinery in Adams County, Colorado.

Pursuant to section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of the EPA is authorized to require any person who owns or operates an emissions source to establish and maintain records, make reports, sample emissions (in accordance with the procedures and methods that the Administrator shall prescribe) and provide such other information as she may reasonably require for the purposes of determining whether such person is in violation of any provision of the CAA. In order for the EPA to determine whether a violation of the CAA has occurred, you are hereby required, pursuant to section 114 of the CAA, to provide responses to the following request for information regarding the facilities listed above. Accordingly, within thirty (30) calendar days from receipt of this request, you must respond to this request. See the Instructions and Definitions in Enclosure 1 and the Information Requested in Enclosure 2.

You are required to attach a properly executed Statement of Certification (Enclosure 3) with your response to this request. The statement must be signed and dated. This statement certifies that the response submitted to the EPA is true, correct, accurate, and complete, and that the response contains all documents and information responsive to this request that are known to you, following a complete and thorough review of all information and sources available to you. You are under an obligation to preserve all documents requested in this letter until you receive further instructions from the EPA.

Failure to provide the required information may result in the initiation of a civil action pursuant to section 113(b) of the Act, 42 U.S.C. § 7413(b). In addition, knowingly providing false information in



Printed on Recycled Paper

response to this information request may be actionable under section 113(c) of the Act, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001 and 1341. The information you provide may be used by the EPA in administrative, civil, and criminal proceedings.

Under section 114(c) of the Act, 42 U.S.C. § 7414(c), and pursuant to regulations at 40 C.F.R. Part 2, including 40 C.F.R. § 2.301, you are entitled to claim as confidential any information you provide to the EPA which involves trade secrets and is regarded as confidential business information by you. For such information, you may request that the EPA treat such information as confidential. Any such claim for confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that emissions information is not considered confidential under section 114(c). For detailed instructions, please see Enclosure 4 to this letter. Information you supply will be treated as confidential business information to the degree determined to be appropriate according to the regulations. If you fail to furnish a business confidentiality claim with your response to this information request, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.

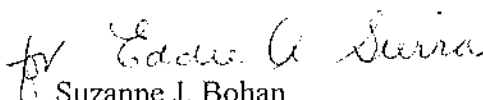
**YOU MUST SUBMIT ALL RESPONSIVE INFORMATION:** *Whether or not you make a claim of confidentiality.*

Please submit your response to this request to:

U.S. Environmental Protection Agency, Region 8  
Technical Enforcement Program (8ENF-AT)  
Office of Enforcement, Compliance and Environmental Justice  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
Attention: Laurie Ostrand

If you have any questions regarding this information request, please contact Laurie Ostrand at 303-312-6437, or your counsel may contact Brenda Morris, at 303-312-6891.

Sincerely,

  
Suzanne J. Bohan  
Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures: 1) Instructions and Definitions  
2) Information Requested  
3) Statement of Certification  
4) Confidential Business Information

cc: Shannon McMillan, Colorado Department of Public Health and Environment



Printed on Recycled Paper

## **ENCLOSURE 1:**

### **A. INSTRUCTIONS**

1. Provide a separate narrative response to each question and subpart or a question set forth in the information request.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
3. Indicate on each document produced in response to this information request, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information are not available or in your possession and identify any source that either possesses or is likely to possess such documents or information.

### **B. DEFINITIONS**

All terms used in this information request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. § 7401, other CAA implementing regulations, or otherwise defined herein, in which case use the definition in the Act, the regulations or herein.

1. The term "Act" or "CAA" shall mean the Clean Air Act, 42 U.S.C. §§ 7401 et seq.
2. The term "Commenced" is as defined in C.F.R. § 60.2
3. "EPA" shall mean the United States Environmental Protection Agency.
4. The term "Hazardous Air Pollutant" or "HAP" means any air pollutant listed in or pursuant to section 112(b) of the Act (40 C.F.R. 63.2).
5. The term "Maximum True Vapor Pressure" is as defined in 40 C.F.R. § 60.111b.
6. The terms "Modification" and "Reconstruction" are as defined in 40 C.F.R. part 60 subpart A.
7. The term "Volatile Organic Compound" or "VOC" means any organic compound which participates in atmospheric photochemical reactions; or which is measured by a reference method, an equivalent method, an alternative method, or which is determined by procedures specified under any subpart. (40 C.F.R. 60.2).



## ENCLOSURE 2:

### INFORMATION REQUESTED:

Using the instructions and definitions set forth in Enclosure 1, provide the following information within thirty (30) calendar days from receipt of this request unless otherwise specified. If any of the information has been previously submitted to the EPA in its entirety, Suncor has the option of resubmitting the information or identifying the previous submission and certifying that the previously-submitted information is true, accurate and complete in accordance with Enclosure 3. Terms in boldface are defined in Enclosure 1.

On September 16 and 17, 2014 and November 24, 2014, the EPA inspectors used an infrared (IR) optical gas imaging camera to survey internal floating roof (IFR) tanks, external floating roof (EFR) tanks, and secondary vents off the carbon canisters at Suncor's Commerce City Refinery. The EPA provided copies of the IR videos recorded during the inspections to Suncor.

#### A. General Question for IFR and EFR Tanks

Table 1 below identifies the tanks that the EPA inspected and the date of the EPA inspection. For each tank listed in Table 1, please identify:

- 1) The contents of the tank during the inspection;
- 2) The stored **maximum true vapor pressure** of the liquid in the tank during the inspection;
- 3) The applicable Federal and State Implementation Plan (SIP) approved regulations applicable to each tank and any regulatory subgrouping (e.g., 40 C.F.R. Part 63, Subpart CC Group 1 or 2);
- 4) The original date that construction **commenced** for each tank and the date that any modification or **reconstruction** was **commenced**;
- 5) Whether any tanks are used to store Bakken crude oil, and if so, provide the maximum storage temperature and copies of any true vapor pressure test results or other sources of vapor pressure information relied upon by the company; and,
- 6) The estimated **VOC** and **HAP** emissions for each tank listed in Table 1 as reported to the Colorado Department of Public Health and Environment in the Air Pollutant Emission Notice (APEN) and provide the tank parameters used for the emissions calculations.

Table 1

Emission Unit Number	Description of Tanks (in gallons capacity for storage unless otherwise noted)	Inspection Date	IR Video Numbers
<b>Plant 1</b>			
T80	EFR 120,667 barrel gasoline blending	11/24/14	216 & 217
T96	IFR 20,000 barrel gasoline storage tank	9/16/14	396 & 397
<b>Plant 2</b>			
T006	IFR 8,431,920 storage of petroleum products	9/16/14	403 & 404
T010	IFR 2,263,884 storage of petroleum feed or petroleum product	9/16/14	398 & 399
T011	IFR 2,056,026 storage of petroleum feed or petroleum product	9/16/14	400



T024	4,933 barrel tank for gasoline or lower vapor pressure petroleum products	9/16/14	408
T027	IFR 2,302,524 storage of petroleum feed or petroleum product	9/16/14	401 & 402
T038	EFR - 2,051,364 storage of petroleum feed or petroleum products	9/17/14	203, 204, 205, 206, & 208
T040	IFR 289,800 storage of petroleum feed or petroleum product	9/16/14	405
T041	IFR 307,944 storage of petroleum feed or petroleum product	9/16/14	406
T053	IFR- 450,000 for storage of petroleum products	9/16/14	409
T054	EFR 364,518 petroleum feed or petroleum products	11/24/14	212, 213, 214, & 215

## B. External Floating Roof Tanks

### 1. Leaking Vacuum Breaker Valve (also called *automatic bleeder vents* in Part 60, Kb)

On September 17, 2014, the EPA inspectors used an IR optical gas imaging camera to survey the floating roof in Plant 2 T038 and detected **VOC** emissions from the vacuum breaker valve. Describe any follow-up activities undertaken by the company to inspect and repair the vacuum breaker valve. Identify whether or not there was a gasket in place or the valve actuator leg was stuck in the open position. Provide copies of any internal or contractor reports that identify the repairs made to the fittings.

### 2. Leaking Rim Seals

On November 24, 2014, the EPA inspectors used an IR optical gas imaging camera to survey the floating roof in Plant 1 T80 and Plant 2 T054 and detected **VOC** emissions from rim seal. On both tanks the leaks were on the north side of the tank. Describe any follow-up activities undertaken by Suncor to inspect and repair the rim seal. Provide copies of any internal or contractor reports that identify the rim seal gap and seal condition. Also provide the following information for each tank:

- a. The most recent rim seal gap inspection report.
- b. The following sections (or their equivalents) of the most recent API 653 Internal Inspection Report;
  - i. Cover page.
  - ii. Table of contents.
  - iii. Summary of Inspection
  - iv. Floating Roof
  - v. Recommended Repair Checklist
- c. Provide copies of work orders or similar documents that pertain to any repairs made during or after the most recent API 653 inspection.

### C. Internal Floating Roof Tanks

1. On September 16, 2014, the EPA inspectors used an IR optical gas imaging camera to survey the perimeter vents of Plant 1 T96 and Plant 2 T06, T010, T011, T027, T040, T041, and T051 and detected **VOC** emissions coming from the vents. Describe any follow-up activities undertaken by the company to assess the condition of the internal floating roof and provide copies of any internal or contractor reports that pertain to inspection and repair of the rim seal, deck fittings, and gaskets. Also provide the following information:
  - a. The most recent floating roof inspection report.
  - b. The following sections (or their equivalents) of the most recent API 653 Internal Inspection Report;
    - i. Cover page.
    - ii. Table of contents.
    - iii. Summary of Inspection
    - iv. Floating Roof
    - v. Recommended Repair Checklist
  - c. Copies of the records maintained pursuant to Regulation No. 7, Section VI.B.2.a(iii)(D).
  - d. Provide copies of work orders or similar documents that pertain to any repairs made during or after the most recent API 653 inspection.

### D. Secondary Vents from Carbon Canisters

Table 2

Emission Unit Number	Description of Tanks, in barrels	Controls	Inspection Date	IR Video Numbers
T4502	30 fixed roof (FR) DGF mix storage tank	These tanks are controlled by one set of carbon canisters.	9/16/14	413
T4503	135 FR DGF flocculation storage tank			
T4504	1,240 FR DGF storage tank			
T4507	411 FR DGF effluent tank			
T4508	209 FR DGF float tank			
T4514	4,427 FR oil/water separator tank	These tanks are controlled by another set of carbon canisters.	9/16/14	414
T4515	4,427 FR oil/water separator tank			
T4516	1,574 FR API oil tank			
T4517	1,290 API sludge tank			
T4518	1,290 API sludge tank			

1. How does Suncor determine when breakthrough occurs for each set of carbon canisters identified in Table 2? How does Suncor determine when to replace a carbon canister?
2. Please provide a copy of the operations and maintenance manuals for the two sets of carbon canisters identified in Table 2.

### ENCLOSURE 3

#### STATEMENT OF CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

---

(Signature)

---

(Title)

---

(Date)





## **ENCLOSURE 4**

### **Confidential Business Information (CBI) Assertion and Substantiation Requirements**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. If you fail to furnish a business confidentiality claim with your response to this information request, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e); (2) you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; (3) the information is not and has not been reasonably obtainable by legitimate means without your consent; and (4) the disclosure of the information is likely to cause substantial harm to your business’s competitive position. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment?  
Specify by page, paragraph, and sentence when identifying the information subject to your claim.



2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

Submit your answers to the above questions concurrently with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Brenda Morris  
U.S. EPA Region 8  
1595 Wynkoop Street (ENF-L)  
Denver, CO 80202-1129  
(303) 312-6891

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

